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In re Application of FOCKE et al	:	
U.S. Application No.: 10/500,378	:	
PCT Application No.: PCT/EP03/00047	:	
Int. Filing Date: 07 January 2003	:	DECISION
Priority Date Claimed: 11 January 2002	:	
Attorney Docket No.: 20605.014US	:	
For: DEVICE FOR PRODUCING (CIGARETTE)	:	
PACKS	:	

This is in response to the declaration filed 27 December 2004, which is being treated as a request for status under 37 CFR 1.42.

BACKGROUND

On 07 January 2003, applicant filed international application PCT/EP03/00047, which claimed priority of an earlier Germany application filed 11 January 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 17 July 2003. The thirty-month period for paying the basic national fee in the United States expired on 11 July 2004.

On 29 June 2004, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 09 December 2004, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 27 December 2004, applicant filed the present request for status under 37 CFR 1.42.

DISCUSSION

The declaration states that inventor Heinz Focke is deceased.

37 CFR 1.42 provides, "In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent."

The declaration filed 27 December 2004 is in compliance with 37 CFR 1.42.

CONCLUSION

For the reasons above, the request for status under 37 CFR 1.42 is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 07 January 2003, and a date under 35 U.S.C. 371(c) of 27 December 2004.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



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